

**PLAINTIFFS’
OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT**

Leah C. Aden

Oral Argument, June 5, 2020

Allen, et al. v. Waller County, et al., Case No. 4:18-cv-03985

PLAINTIFFS' CLAIMS

- Age discrimination under the Twenty-Sixth Amendment
- Racial discrimination under the Fourteenth and Fifteenth Amendments and Section 2 of the Voting Rights Act
- Discrimination on the intersecting bases of race and age under the Fourteenth, Fifteenth, and Twenty-Sixth Amendments
- Discriminatory Results under Section 2 of the Voting Rights Act

DEMOGRAPHIC REALITIES IN WALLER COUNTY

- More than 54.3% of Prairie View is aged 18-20. No other area in Waller County has more than 8% of people aged 18-20.
- Students at PVAMU in Prairie View are populous enough to be 1/4 of the County's total voting-age population.
- 80% of Prairie View's citizen voting-age population is Black and 54% of its voting-age population is 18-20.
- PVAMU students live in the precinct (309) with the most registered voters in Waller County as of November 2018.
- PVAMU students rely on early-voting and use it at higher rates than other Waller County voters. 81% of PVAMU students who voted did so early in November 2018.

2018 WALLER COUNTY NOVEMBER ELECTION EARLY VOTING SCHEDULES

2018 General Election Early Voting Hours and Locations			
	Week 1	Week 2	Total
Waller County Court House (Hempstead)	55	51	106
Waller ISD (Waller)	50	51	101
Waller County Library (Brookshire)	55	51	106
Fieldstore (Waller)	23	0	23
JP # 3 Monaville	23	0	23
Katy VFW	27	0	27
PVAMU Memorial Student Center	0	27	27
Waller County Community Center (Prairie View)	0	24	24

SOURCE: ECF Document No. 49

OCTOBER 17, 2018

COMMISSIONERS COURT MEETING

Ms. Eason began her presentation noting that she was proposing her changes to the early voting schedule because she had determined that the original early voting schedule did not provide “equal representation” to the PVAMU students.⁴⁰ As a result, Ms. Eason proposed adding additional days of early voting at the student center on the PVAMU campus and Prairie View City Hall during the first week. She also proposed extending the voting hours from 8:00 a.m. to 5:00 p.m. to 7:00 a.m. to 7:00 p.m. During the presentation of her proposal, Ms. Eason noted that the “hubs” of Waller County were Prairie View, Waller, Brookshire, and Hempstead, and that only Prairie View lacked early voting on every day of the early voting period. “[W]e have to give them equal representation,” Ms. Eason stated. Judge Duhon similarly agreed that “we have to give [students] equal access.”⁴¹

After hearing Ms. Eason’s proposal, Judge Duhon acknowledged: “I do think there is an inequity” with respect to the limited number of early voting days and hours provided to Prairie View under the Original Early Voting Plan.⁴²

TENUOUS JUSTIFICATIONS

- the process for choosing early-voting sites was “broken,” *id.* at 24;
- many PVAMU students are not affiliated with major parties, P-Ex-2 at 24, 31, 46-47, with Duhon acknowledging “a lot of students” were entirely unrepresented by party officials because they “don’t identify as Democrat or Republican,” P-Ex-2 at 31;
- homecoming would be ideal for early-voting because many people are on campus, P-Ex-2 at 47-49;
- PVAMU often hosts public events, ECF-73-2 at 186, 174:9-175:22;
- the off-campus WCCC is inaccessible to PVAMU students because many do not have cars or money for gas, P-Ex-2 at 23-24; indeed, the WCCC “is . . . 1.4 to 1.6 miles away from” large PVAMU dorms, five times the distance research shows can deter voters, P-Ex-4 at 7-8;

- no sidewalk leads to the WCCC and the school shuttle does not stop there, ECF-73-2 at 54, 203:19-204:11; and,
- purported feasibility concerns did not prevent Defendants from proposing their own schedule changes. Eason, who is best-positioned to opine on feasibility, repeatedly affirmed Defendants had resources to add more on-campus early-voting, P-Ex-2 at 24-26.



MEMORIAL STUDENT CENTER

- “[W]e at PVAMU pride ourselves on being **welcoming hosts** for our **nonstudent visitors who come to PVAMU’s campus to vote** during early voting. We **reserve . . . parking spots specifically for these voters . . .**”
- “The MSC is **ADA-complaint . . .** [PVAMU has also] organized **student volunteer mobility escorts to assist voters** with mobility issues who come to the MSC to cast their ballots. We plan to continue to provide this service for the 2020 elections and other elections going forward.”
- “[PVAMU] hosts **numerous public events** throughout the year—from cultural events and musical performances to veterans’ appreciation days and conferences—that draw **non-student attendees who reside in Prairie View, elsewhere in Waller County, and beyond.**”
- “The MSC is a **particularly popular location** for public events, due to its **large capacity, modern amenities, ADA-compliant design, ample parking**, and the fact that it is **well-known** to students and visitors alike as a **hub of activity.**”